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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,604	12/20/2005	Peter Bilowol	A-9822	6462
7590 Hoffman Wasson Gitler Crystal Center 2 Suite 522 2461 South Clark Street Arlington, VA 22202			EXAMINER HUJAZ, OMAR F	
			ART UNIT 3633	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,604

Applicant(s)

BILOWOL, PETER

Examiner

OMAR HIJAZ

Art Unit

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The Amendment filed on August 10, 2010 has been entered. Claims 27-48 have been amended, claim 26 has been cancelled, and claim 49 has been added. Claims 1-25 have been previously cancelled. Therefore, claims 27-49 are now pending in the application.

Response to Amendment

1. Some of the previous claim objections have been withdrawn in light of applicant's amendments.
2. Some of the previous 35 USC 112 rejections are withdrawn in light of applicant's amendments.

Claim Objections

3. Claims 31 and 40 are objected to because of the following informalities:

As per claim 31, at lines 1-2, the recitation "straps, beams, and angle irons" is understood to mean --straps, beams, or angle irons--, for consistency.

As per claim 49, at line 3, the recitation "joined with tie-bolts" is understood to mean --joined together with tie-bolts--. In addition, at line 4, the recitation "to hold in boxing modules" is understood to mean --to hold in said boxing modules--. In addition, at line 4, the recitation "not joined with tie-bolts" is understood to mean --not joined together with tie-bolts--.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 33 and 34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claim 33, there is inadequate written description of "individual transversely opposed" modules. It is unclear as to how the modules are "transversely opposed"; an adequate description of this is not clear in the specification.

As per claim 34, there is inadequate written description of "formwork reverse its formation". What is meant by "reverse" and where is this explained in the specification?

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 27-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 49, at line 5, the recitation "fastening adjoining surfaces or abutting ends of the modules or panels" renders the claim indefinite because it is unclear as to how the surfaces are fastened and to which "modules or panels" are being referred to, since there appears to be two different types of modules: those that have tie-bolts and those that do not.

In addition, at lines 6-7, the recitation "the directly opposed modules" lacks antecedent basis. In addition, at line 8, in the recitation "placing directly opposed modules" it is unclear as to whether applicant is referring to "the directly opposed modules referred to in lines 6-7. In addition, at line 9, the recitation "alongside the inner front face" renders the claim indefinite because it is unclear as to where this location is referring to.

In addition, at line 11, the recitation "said opposed joined boxing modules" lacks antecedent basis. In addition, at lines 11-12, the recitation "by tie-bolts or push-in ties" renders the claim indefinite because it is unclear as to whether or not applicant is referring to the same elements as claimed in line 7. In addition, at line 12, the recitation "in any one row to follow subsequently with modules or panels that are not joined" renders the claim indefinite because it is unclear as to what exactly applicant is trying to portray.

In addition, at line 15, the recitation "which accept spacers and ties and which abut" poses the following questions: How are the spacers and ties accepted? What is abutting and how is it abutting?

In addition, at line 16, the recitation "the molding faces" lacks antecedent basis.

In addition, at line 18, the recitation "any other settable substance" renders the claim indefinite because it is unclear as to what would constitute such a material.

As per claim 27, at lines 1-2, the recitation "the spacer" lacks antecedent basis. In addition, at line 2, the recitation "or push in ties" renders the claim indefinite because

it is unclear as to whether applicant is referring to the same push-in ties of claim 49, at line 7.

As per claim 29, at lines 1-2, the recitation "wherein push-in ties which can join directly opposing modules on any vertical or horizontal connectable edge" renders the claim indefinite because this sentence is incomplete and unclear. In addition, at line 3, the recitation "the connecting apparatus" lacks antecedent basis.

As per claim 30, at lines 1-2, the recitation "the quick release clamping device" lacks antecedent basis.

As per claim 31, at line 4, the recitation "panels that are not joined by tie-bolts and also acts as a clamping device" renders the claim indefinite because it is unclear as to what "acts", because there are too many preceding possibilities.

As per claim 32, at lines 3-4, the recitation "the spherical border walls" lacks antecedent basis. In addition, at line 3, the recitation "the major surface" lacks antecedent basis. In addition, at line 5, the recitation "which can connect or abut to panels which do not have these features" it is unclear as to what features "these features" is referring to, and how do they connect? In addition, at lines 4-5, the recitation "the spherical border walls" lacks antecedent basis.

As per claim 33, at lines 1-2, the recitation "wherein individual transversely opposed modules or panels connected, abutted, or held in by the spaced and tied modules" renders the claim indefinite because this sentence is incomplete and unclear.

As per claim 34, at lines 2-3, the recitation "the spaced and tied modules to individual unspaced and untied panels or modules assembling association" is unclear.

Again, which are the "unspaced and untied panels or modules"? In addition, at lines 3-4, the recitation "comprises in any consecutive row of formwork is in reverse formation" renders the claim indefinite because it is unclear as to what a reverse formation is. In addition, the word "any" is indefinite. In addition, at line 3, the terms "it" and "its" are indefinite.

As per claim 36, at line 2, the recitation "the elements" lacks antecedent basis.

As per claim 37, at line 2, the recitation "can be surrounded" renders the claim indefinite because it is unclear as to how the ties are surrounded by the modules.

As per claim 38, the recitation "some" is a vague term and does not specifically define a particular element.

As per claim 39, the recitation "in between the same" renders the claim indefinite because it is unclear what "the same" is referring to.

As per claim 40, at line 3, the recitation "or abutting various connectable surfaces" renders the claim indefinite because it is unclear as to what the various connectable surfaces are.

As per claim 41, at line 2, the recitation "can recur" renders the claim indefinite the claim indefinite because it is unclear. In addition, at line 3, the recitation "from one to the other" renders the claim indefinite because it is unclear. From one "what" to the other "what"?

As per claim 42, at line 3, the recitation "the said row above or below" lacks antecedent basis. In addition, it is unclear as to how a row that is above or below, also be directly opposed?

As per claim 43, at line 2, the recitation "the molding surfaces" lacks antecedent basis. In addition, at line 4, the recitation "or any combination of the three" is vague and indeterminate.

As per claim 44, at line 1, the recitation "the bracing devices" renders the claim indefinite because multiple bracing elements have been claimed in claim 49 and claim 43 and it is unclear as to which one applicant is referring to.

As per claim 45, at line 2, the recitation "within" is unclear. Within what? In addition, at line 2, the recitation "all" renders the claim indefinite because it is unclear as to what "all" is referring to.

As per claim 46, at line 2, the recitation "can create vertical columns" renders the claim indefinite because it is unclear as to how columns are created.

As per claim 47, at line 2, the recitation "their own" is vague and indefinite.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 27, 29-31, 33-36, and 38-49, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sedran (International Pub. WO 02/48479 A2) in view of Boeshart (U.S. Patent No. 4,936,540).

As per claims 49 and 35, Sedran discloses a method of construction for concrete beams or walls (abstract) comprising the following steps of: setting rows of a plurality of

boxing modules (as illustrated, the modules are in an end to end relation; figure of drawing page 24/27); fastening adjoining surfaces or abutting ends of the modules or panels (as illustrated, the abutting ends of the modules are fastened via pins; figure of drawing page 24/27); spacing the formwork by a plurality of spacers which span between the module panels (as illustrated, the formworks are spaced with round non-labeled spacers between inner and outer modules; figure of drawing page 24/27); bracing and strengthening the formwork as required with straps, (as illustrated, the straps B are shown connecting the modules together; largest figure of drawing page 20/27) which can also accept spacers or ties which can abut and connect to modules or panels (as illustrated, the formworks are spaced with round non-labeled spacers between inner and outer modules; figure of drawing page 24/27); pouring concrete or any other settable substance into the formwork (for concrete casting; abstract; it is understood that concrete is poured into a formwork). Furthermore, it is well-known in the art to utilize fasteners between elements where required and not to use fasteners where not required (i.e. panels that are joined and panels that are not joined).

Sedran fails to disclose the spacers are fixed by bolts or push in ties. However examiner takes official notice that it is common in the art to use different types of fastening mechanisms to secure modules together including the use of bolts and push ties. It would have been obvious to use such fastening means because they are readily available in the field.

In addition, Sedran fails to disclose setting reinforcement means between the formwork as required.

Boeshart teaches a concrete form assembly (abstract) with internal horizontally spaced reinforcing rods 38 (figure 10).

Therefore from the teaching of Boeshart, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the spacer rods of Sedran to include internal horizontal reinforcing bars as taught by Boeshart in order to further strengthen the concrete structure.

As per claim 27, Sedran fails to disclose the spacers may be hollow tubular members or push-in ties.

Boeshart teaches push-ties (brackets 42).

Therefore from the teaching of Boeshart, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the spacer rods of Sedran to include a tie fixing means as taught by Boeshart in order to adjust the spacing between the forms (col. 4, lines 26-29).

As per claim 29, Sedran teaches connecting means which can join directly opposing modules on any vertical or horizontal connectable edge (as illustrated, the ties between modules are capable of connecting elements vertically and horizontally; figure of drawing page 10/27).

As per claim 30, Sedran teaches the quick release clamping device is a wedge (connection wedges; abstract) which can be pulled out of an open ended slot (the clamping is a wedge and is therefore capable of being pulled out).

As per claim 31, Sedran teaches externally, on the outside of the formwork, the straps, are connected to modules as well as modules or panels (as illustrated, the

straps B are shown connecting the modules together; largest figure of drawing page 20/27) and also act as a clamping device (the straps B join two elements together and are therefore capable of acting as clamping elements). Furthermore, it is well-known in the art to utilize fasteners between elements where required and not to use fasteners where not required (i.e. panels that are joined and panels that are not joined).

As per claim 33, Sedran teaches individual opposed modules or panels connected, abutted, or held in by spaced and tied modules (largest figure of drawing page 20/27).

As per claim 34, Sedran teaches the spaced and tied modules to individual unspaced and untied panels or modules of the formwork (as illustrated, the modules may be formed in a horizontal or vertical plane; largest figure of drawing page 10/27). Furthermore, it is well-known in the art to utilize fasteners between elements where required and not to use fasteners where not required (i.e. panels that are joined and panels that are not joined).

As per claim 36, Sedran teaches the elements of the straps, are adjusted to increase the strength of the same (as illustrated, the straps B have holes; largest figure of drawing page 20/27; which allow for force adjustment; page 13, lines 10-15).

As per claim 38, Sedran teaches a method of creating a formwork (abstract) for a horizontal column from a plurality of boxing modules (as illustrated, a column may be formed from the modules; figure on drawing page 213/27) some of which are joined by tie-bolts and some are not (it is well known in the art to utilize fastening means when needed).

As per claim 39, Sedran teaches the straps, can accept ties, in between the same or individually, to increase strength (the straps B include holes and are therefore capable of accepting ties).

As per claim 40, Sedran teaches the joined boxing modules are made parallel by said plurality of spacers spanning between the modules (as illustrated, the formworks are spaced with round non-labeled spacers between inner and outer modules; figure of drawing page 24/27) which are supporting or abutting various connectable surfaces of the directly opposed modules or panels which are not joined by tie-bolts or push-in ties (as illustrated, the spacers are connected at the module surfaces; figure of drawing page 24/27). Furthermore, it is well-known in the art to utilize fasteners between elements where required and not to use fasteners where not required (i.e. panels that are joined and panels that are not joined).

As per claim 41, Sedran teaches in any one row, the opposed joined boxing modules, which are joined by tie-bolts or push-in ties can recur continuously from one to the other with opposing modules which are not joined by tie-bolts or push-in ties (as illustrated, the modules are capable of being arranged in alternate formations; largest figure on drawing page 10/27). Furthermore, it is well-known in the art to utilize fasteners between elements where required and not to use fasteners where not required (i.e. panels that are joined and panels that are not joined).

As per claim 42, Sedran teaches the directly opposed modules which are joined by tie-bolts or push-in ties can form one continuous row, while the said row above or below can be made up from directly opposed modules or panels which are not joined by

tie-bolts or push-in ties (as illustrated, the modules may be formed in a horizontal or vertical plane; largest figure of drawing page 10/27). Furthermore, it is well-known in the art to utilize fasteners between elements where required and not to use fasteners where not required (i.e. panels that are joined and panels that are not joined).

As per claims 43 and 44, Sedran discloses the formwork is braced and stiffened externally on the outer side of the formwork by straps or beams or angle irons, or any combination of the three and can be vertical, horizontal, or angular (as illustrated, two formworks are spaced with spacers B; largest figure of drawing page 20/27), but fails to disclose the formwork is braced and stiffened internally by vertical and horizontal metal reinforcement bars connected to the spaced ties.

Boeshart teaches a concrete form assembly (abstract) with internal horizontally spaced reinforcing rods 38 (figure 10).

Therefore from the teaching of Boeshart, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the spacer rods of Sedran to include internal horizontal reinforcing bars as taught by Boeshart in order to further strengthen the concrete structure.

As per claim 45, Sedran fails to disclose the modules re rota-moulded, however the method of how the modules are formed holds little patentable weight. It is the structure of the final product which is required to be met by the reference and the Sedran teaches all the structural elements as previously claimed.

As per claim 46, Sedran teaches external comers joined or abutted can create vertical columns (as illustrated, the comers are capable of being formed with vertical columns; figure on drawing page 21/27).

As per claim 47, Sedran teaches the modules are provided with stiffening elements (it is possible to stiffen the modular element through the insertion of metal and/or fiber cores; page 5, lines 4-5).

As per claim 48, Sedran fails to disclose vertical and horizontal reinforcing bars which extend from the ends and top and bottom surfaces of the formwork and are connected to said spacers or push-in ties to help further stiffen the formwork.

Boeshart teaches a concrete form assembly (abstract) with internal horizontally spaced reinforcing rods (38) which are connected to the spaced ties (122; see figure 10).

Therefore from the teaching of Boeshart, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the spacer rods of Sedran to include internal reinforcing bars connected to spacers as taught by Boeshart in order to further strengthen the concrete structure.

Although Boeshart does not disclose vertical reinforcing bars, it is well known in the art to utilize horizontal and vertical reinforcing bars through a concrete form structure in order to further strengthen the final structure.

10. Claims 28, 32, and 37, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sedran (International Pub. WO 02/48479 A2) in view of Boeshart (U.S. Patent No. 4,936,540) in view of Alberti (U.S. Patent No. 6,405,505).

As per claim 28, Sedran teaches the boxing modules are joined utilizing openings in side and end walls of the modules from which quick release clamping devices can be pulled out of an open ended opening (as illustrated, the modules are connected by the pins extending through slots in the sides of the modules; largest figure of drawing page 20/27).

Sedran fails to disclose the openings are slots.

Alberti discloses an interlocking wall form (abstract) whereby the form panels are connected via slots (figure 1).

Therefore from the teaching of Alberti, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the form assembly with the connecting means of Sedran to include slots as taught by Alberti in order to facilitate the assembly of the panels.

As per claim 32, Sedran teaches the individual module comprises a rectilinear front face (largest figure of drawing page 20/27), a peripheral border wall extending from the front face (largest figure of drawing page 20/27) which possesses a plurality of openings in the surface of the modules (as illustrated, there are openings on the edges of the modules; largest figure of drawing page 20/27), two spaced pairs of bolt sockets in surfaces of the module (as illustrated, there are bolted members in panel L; largest figure of drawing page 20/27) and a plurality of opposed openings in the opposite border walls of the module (largest figure of drawing page 20/27) which can connect or abut to panels (as illustrated, the module assemblies are abutting; largest figure of drawing page 20/27).

Sedran fails to disclose the openings are slots.

Alberti discloses an interlocking wall form (abstract) whereby the form panels are connected via slots (figure 1).

Therefore from the teaching of Alberti, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the form assembly with the connecting means of Sedran to include slots as taught by Alberti in order to facilitate the assembly of the panels.

As per claim 37, Sedran teaches modules which are joined by tie bolts or push-in ties can be surrounded by opposed modules or panels which are not joined by tie-bolts or push-in ties (as illustrated, the modules are surrounded by opposed faced modules; figure of drawing page 24/27) but fails to disclose a staggered formation. Furthermore, it is well-known in the art to utilize fasteners between elements where required and not to use fasteners where not required (i.e. panels that are joined and panels that are not joined).

Alberti discloses an interlocking wall form (abstract) whereby the form panels are in a staggered formation (figure 1).

Therefore from the teaching of Alberti, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the form assembly with the modules of Sedran to include a staggered formation of modules as taught by Alberti in order to further strengthen the assembly of the panels.

Response to Arguments

11. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that the prior art does not teach the claimed invention. In addition, applicant provides various reasons per each claim as to why the rejection is not valid with respect to that particular claim. However, in order for the examiner to properly address these issues, it is important that he fully understands the metes and bounds of each claim. As currently amended, all of the claims are rejected under 35 USC 112 first and second paragraphs because the language of the claims are inconsistent, lacking antecedent basis, and difficult for one of ordinary skill in the art to comprehend. This lack of comprehension may be due a poor English translation from another language however, whatever the case may be, examiner recommends that applicant carefully review the claim language, and revise them into an organized and consistent form that is in harmony with the MPEP.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR HIJAZ whose telephone number is (571)270-5790. The examiner can normally be reached on Mon-Fri 9:30 a.m. - 7:00 p.m. (alternating Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian E. Glessner/
Supervisory Patent Examiner, Art Unit 3633

OFH